

7  
STATEMENT,

BY THE

PRESIDENT, DIRECTORS, AND COMPANY

FOR ERECTING A

PERMANENT BRIDGE

OVER THE RIVER SCHUYLKILL, AT OR NEAR THE  
CITY OF PHILADELPHIA.

---

PHILADELPHIA:

PRINTED BY L. R. BAILEY, 26 NORTH FIFTH STREET.

1838.



Digitized by the Internet Archive  
in 2017 with funding from

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries

## STATEMENT.

---

THE President, Directors and Company for Erecting a Permanent Bridge over the river Schuylkill, at or near the City of Philadelphia, deem it a duty to themselves and to the community to lay the following statement before the public. So many misrepresentations have been made of the charter of the Company, of its actual condition, of its annual dividends, and of the Acts of the Legislature bearing upon it, with the conduct of the Directors in relation thereto, that it is conceived to be most useful, and at the same time most respectful, to place their refutation in an authentic shape.

The Act authorizing the incorporation of this Company, was passed on the 16th of March, 1798. On the 28th of March, 1800, the City of Philadelphia, for the consideration of \$40,000, conveyed to the Bridge Company the present site at Market street, with all its appurtenances and privileges. The first stone of the eastern pier was laid September 5, 1801, and that of the western pier, December 25, 1802; and on the 1st of January, 1805, the bridge was declared open for passengers and transportation, and the cover was begun and finished in the same year.

This bridge cost, including the purchase of the site, \$ 300,000, the *coffer dams*, foundations, and other subaqueous works consumed a great proportion of the expenditures.

The capital stock of the Company, is        -        -        -        \$ 195,650

The difference between that and the actual cost of the  
bridge, is        -        -        -        -        -        -        104,350

---

Whole cost,        -        -        -        \$ 300,000

This difference, or debt, was liquidated by applying the whole of the income of the Company, for several years, to its payment. The effect of this was, that from the commencement of the bridge until the year 1812, inclusive, only two dividends, amounting together to five and a half per cent., were declared, and paid to the Stockholders, who had so meritoriously contributed their funds towards the erection of this great and valuable public work; and that during the whole period of near thirty-four years, from the opening of the bridge on the

1st of January, 1805, they have received but six per cent. on the capital stock of \$195,650; and if the preceding years, from 1800 to 1805, when the expenditures were made, are added, it will decrease the rate of interest received still more, and if interest be allowed on the entire cost of the bridge from July, 1802, (being a medium period) to the present time, the dividends received would not yield to the Stockholders more than about 3.70 per cent.

The individuals, therefore, who, unaided by the public treasure, undertook and accomplished this new and hazardous enterprise, by a liberal expenditure of their money, their labour, and their time, were public benefactors, and were always so regarded by the community of which they were most valuable and respectable members; and they and their successors are unquestionably entitled to every indulgence from their fellow citizens, who have enjoyed the benefits derived from this great public improvement.

It is also proper to state, that the present Stockholders have most of them paid for this stock at a heavy advance on the nominal par value, and that out of 248 Stockholders, 130 are females, orphans, executors, trustees, churches, and charitable institutions.

From the year 1832, various attempts have been made to free the bridge, it being generally the apparent object of those who were the prime movers, to do so in a manner entirely inconsistent with the provisions of the Act of incorporation. This project has been twice deliberately considered and rejected by the Legislature, originally on the 8th of April, 1834, upon the report of a committee of seven, appointed on the 6th of January of the same year, of which Mr. Goodman was chairman—and lastly, in March, 1837, upon the reports made to the Senate and House of Representatives by two highly respectable and influential committees appointed by those honourable bodies.

The Floating Bridge at Gray's Ferry was the property of the owners of the Gray's Ferry estate, and under an Act, passed the 28th of March, 1811, a company was incorporated, which erected the Permanent Bridge at the Upper Ferry, or Fair Mount, as it is now called. These three bridges formed the three modes of access into the city and adjoining districts from the country west of the Schuylkill, and all charged exactly the same rates of tolls.

By an Act passed the 24th of February, 1837, the Philadelphia, Wilmington, and Baltimore Rail-road Company were authorized to build a bridge over the river Schuylkill, at or below Gray's Ferry,

for rail-road and other travelling, and transportation, and to demand and receive tolls for crossing the same, not exceeding the tolls now allowed by law to the Permanent Bridge over the said river at High street, the said bridge to be constructed with a draw of thirty-three feet, the piers to be at least forty-two feet distant from each other in the clear, from the bottom of the river to fourteen feet above high water mark, and as soon as the bridge is erected, then, the present Gray's Ferry Floating Bridge to be removed, and all right to replace or maintain said bridge to cease *and forever determine*.

By an Act passed the 7th of March, 1837, Section 3, the proprietors of the Gray's Ferry estate were authorized to sell Gray's Ferry and a part of the lands appertaining thereto, situate in the Townships of Passyunk and Kingsessing to the Rail-road Company. This sale was accordingly effected, and the Company have paid or contracted to pay to the proprietors of the Ferry the sum of \$50,000; and a bridge has been accordingly built by them agreeably to the provisions of the Act of Assembly, which bridge now forms the present lower access into the southern suburbs of Philadelphia. Under an Act, passed the 16th of February, 1835, the West Philadelphia Rail-road Company was incorporated. This company was only authorized to extend its road from the most eligible point on the Pennsylvania Rail-road, between the Inclined Plane and the Philadelphia and Lancaster turn-pike road, to the most northerly practicable point on the western bank of the Schuylkill, not more than four hundred feet south of the Permanent Bridge at Market street.

During the winter of 1835-6, a bill being before the Legislature, relative to making the Permanent Bridge a free bridge; the agents of the Company, upon consultation with several of the persons representing the free bridge interest, and the West Philadelphia Rail-road interest, agreed to a proposition which would have no doubt been accepted by the Permanent Bridge Company, which was put into the form of a section, and was introduced by Mr. Comly of the County of Philadelphia, as a substitute for the first section of the above bill. It forms the best evidence of the willingness of the Company to free the bridge upon reasonable terms, and is in the following words:

"That three hundred thousand dollars be and it is hereby considered as the present value of the said Permanent Bridge at Market street; and if the said President, Directors and Company shall certify their acceptance of the said sum, as a fair appraisement of the same,

to the Governor, under their corporate seal, within twenty days from the passage of this Act, then the said valuation and appraisement so made and accepted shall be valid and binding upon the said President, Directors and Company and the State, and shall be considered as if made by indifferent persons under the provisions of the tenth section of the said Act of the 16th of March, 1798 ; and when the said sum of three hundred thousand dollars shall be raised by individual subscription, donation, or otherwise, and shall be paid unto the said President, Directors and Company, then the treasurer of the said Company, upon receipt thereof shall certify the same to the Governor, who shall immediately thereupon issue his proclamation, declaring the said bridge to be a free bridge ; and if the said Bridge Company, their officers, or agents, shall refuse or neglect to receive the sum of three hundred thousand dollars aforesaid, for the space of thirty days from the time the said payment shall be offered to be made to them, then they shall be debarred from demanding or receiving any tolls from any person aforesaid passing over the said bridge either with or without horses, cattle, carriages, or vehicles of any kind, or if they or their agents shall take or receive tolls after said time, or after the receipt of the said amount, he or they so offending shall pay a fine of ten dollars for every such offence, to be recovered as sums of like amount are by law recoverable. *Provided always*, that upon the payment or tender as aforesaid of the said sum of three hundred thousand dollars, the said President, Directors and Company shall immediately convey and transfer all the rights, title, and interest in and to the site on which the said bridge is erected, and also to two certain lots of ground and buildings thereon erected, adjoining the said site, one on the east and one on the west side of the river Schuylkill, and fronting on Market street, to the Commonwealth of Pennsylvania ; and the Governor shall thereupon by letters patent under his hand and seal of the Commonwealth, convey the said two lots of ground to the West Philadelphia Rail-road Company in fee simple, it being certified to the Governor that the said Rail-road Company have subscribed and paid to the said fund of three hundred thousand dollars, the sum of eighty thousand dollars."

No final action was had by the Legislature upon this section, or the bill to which it was prepared as a substitute, and an agreement was entered into in the month of April, 1836, between the Committees of the Permanent Bridge Company and the West Philadelphia



Rail-Road Company, for an application to the Legislature in the ensuing adjourned session in May, for authority to the Permanent Bridge Company to alter their bridge for rail-road purposes upon terms mutually advantageous to both companies.

This application was not made.

At the last session of the Legislature, a resolution was passed on the 17th of April, 1838, being the last day of the session, entitled "A Resolution relative to changing the lots attached to certain lock-houses on the Juniata division of the Pennsylvania Canal, *and relative to other purposes.*" This resolution was a most heterogeneous production, containing, besides the resolution relative to the change of the lots as stated in the title, one resolution authorizing the Canal Commissioners to examine into damages sustained by W. C. Hull, in having his car run down by one of the State locomotives; another authorizing the same body to purchase land where any useful water power is created by the public works; another directing all canal and rail-road companies to deposit correct topographical maps of their works, in the office of the Canal Commissioners; another relative to the election of directors to the West Branch Bank at Williamsport; a resolution with a *whereas*, authorizing the Northampton and Luzerne Coal Company, to purchase and hold lands in Schuylkill county; another, without a *whereas*, authorizing the Shamokin Coal Company to hold lands in the counties of Northumberland and Columbia, or either of them; and lastly, a resolution relative to the West Philadelphia Rail-road Company, which was passed without the slightest notice of its being before the Legislature, to the Bridge Company or its directors or agents.

The history of this *omnibus* resolution forms a most instructive example of hasty, embarrassed, and ill-advised legislation.

The original resolution, relative to changing the lots attached to certain lock-houses, was introduced in the House of Representatives by Mr. Wilson, on Thursday the 1st of March—on Thursday the 29th of March, the House resolved itself into a Committee of the Whole on this resolution, and it was reported to the House with amendments. After two ineffectual attempts to amend, by Messrs. Johnston and Taylor, a motion was made by Mr. Sharswood, to amend it by introducing the resolution relative to rail-road companies, depositing topographical maps of their works in the Canal Commissioners' Office, which was agreed to, and the resolution as amended was adopted on Friday the 30th of March, and sent to the Senate for concur-

rence, and on the same day it was committed in the Senate to the Committee on Roads, Bridges, and Inland Navigation.

On Monday, April 16th, these resolutions were reported by this Committee to the Senate with amendments—and on the same day they were considered in Committee of the Whole, and the chairman reported them to the Senate with amendments—and the resolutions, with the exception of the 12th resolution, were then read a second time and agreed to, and sent to the House for concurrence. On the same day, the Senate amendments were read a second time in the House, and after being amended by the introduction of the resolution relative to the Shamokin Coal Company, and striking out resolutions 6, 7, 8, 9, 10, and 11, relative to the estate of George Frey, deceased, were sent to the Senate. At six o'clock in the evening, the Senate concurred in the amendments made by the House to the Senate's amendments, and insisted upon its amendments (relative to the estate of George Frey, deceased,) non-concurred in by the House. At half past 8 o'clock the same evening, the Senate reconsidered the vote insisting upon these amendments, and receded from the same, and so informed the House on Tuesday the 17th; and on that day the resolutions were signed by the Governor.

It is to be remarked, that the resolution relative to the West Philadelphia Rail-road Company, is no where to be found on the journals—and that its first appearance in any shape is on April the 16th, amongst the amendments passed by the Senate. The original resolution was in manuscript, *not printed*—and is found amongst the Senate amendments in the form of a bill, but converted into a resolution. The title, which was, "An Act to authorize the West Philadelphia Rail-road Company to extend their road over the Schuylkill river to Philadelphia City," is stricken out on the manuscript, and the enacting clause is changed into "Resolved."

Such is the brief narrative, of a resolution of great importance, passed through all the stages of legislation in a single day, without its appearing in any way on the journals, or any information being given to the community or to those who had a deep interest in this measure, thus hastily and improvidently made a law of the land.

This resolution is in the following words, "*Resolved*, That the West Philadelphia Rail-road Company be and they are hereby authorized to extend their road to and across the river Schuylkill, on either the Permanent Bridge now erected on the said river at High or Cal-lowhill street. *Provided*, they shall obtain the consent of the cor-



poration or company owning the bridge over which they shall cross said river, and in case they cannot obtain the consent of either of the said companies owning either of said bridges, *on such terms as are reasonable*, then the said Rail-road Company may, and they are hereby authorized and empowered to erect and build a permanent bridge over the said river, at or opposite any of the public streets between the bridge at High street in the City of Philadelphia and the Fair Mount bridge; for that purpose, they shall have the right to enter upon the private property of individuals, upon the same conditions and on paying for the same in the same way as they are authorized and required to do in making the said rail-road; the said bridge shall be so constructed as to have two rail-road tracks and two tracks for common travelling, and shall not obstruct or impede the navigation of the said river, nor injure the Fair Mount Water Works; and if in the opinion of any future Legislature the said bridge shall injure either, the power is hereby reserved to alter or modify the authority hereby given, so that no injury shall be done, and this law in such case may be repealed, and the bridge removed at the expense of the said Rail-road Company, and the said Rail-road Company may charge less, but not beyond the rates of toll charged by the Permanent Bridge Company, for crossing their bridge. *Provided*, That all persons going to and returning from places of worship and funerals, shall pass over the same free of toll.

“Until the said bridge shall be built, the said Rail-road Company shall be authorized to establish a steam ferry, for the purpose of transporting their engines, cars, and other vehicles, with merchandise, over the said river, charging the same tolls as are hereby authorized for passing over the said bridge when finished: *Provided*, That the said ferry shall be so constructed and managed as not to impede or obstruct the navigation of said river.”

The resolution is obscurely worded—but still it is the obvious meaning of the Legislature, that the road is, if possible, *to be extended across either the upper or middle ferry bridges*—and it is only in case they cannot obtain the consent of either company *on such terms as are reasonable*—that the West Philadelphia Rail-road Company are authorized to erect another Toll Bridge across the Schuylkill, of which the tolls are to be graduated by the three bridges then in existence—the Fair Mount, Market street, and Gray’s Ferry Bridges.

To an application made by the West Philadelphia Rail-road Company, the Permanent Bridge Company returned a favourable answer, consenting to the extension of the West Philadelphia Rail-road over the bridge at High street, *on such terms as are reasonable*. The whole is fully explained in the letter of the President of the West Philadelphia Rail-road Company, of the 25th of April last, and the answer of the President of the Bridge Company of the 9th of June last. [*See Appendix.*]

Such is a brief history of these transactions, which it is important to spread before the community, in order that they may be fully aware of the real facts of a case which has been treated on one side only in the public prints, and which requires only a full statement to disabuse the public mind.

Since this period, the bridge at Fair Mount has been consumed by fire, and the immediate northern access to Spring Garden, Northern Liberties, Penn Township, Kensington, the upper parts of the city, and the northern parts of the county, has been cut off. It is clear that this bridge must be rebuilt, for the inhabitants of these populous and flourishing Districts will not permit themselves to be deprived of all direct communication with the west bank of the Schuylkill. Every project, therefore, which interferes with the rebuilding of this bridge, is inimical to their interests, and must be so regarded by them.

The Permanent Bridge Company have always conceded that their bridge should be made a free bridge, in accordance with the terms of their charter; and the section proposed in 1836, is the best evidence of their sincerity. The attempt has been to take it contrary to the provisions of their charter, and this the Legislature has uniformly denied—and it has supported by legislative sanction, the interpretation put upon the Act of incorporation by the Company. It is perhaps most satisfactory to show this by extracts from the Reports made by Committees of both Houses, and approved by them.

The following is from the Report of the Committee of the House, of the 8th of April, 1834.

“The language of the memorials in favour of freeing the bridge, is certainly ambiguous, in asking simply for a valuation and appraisement; but as the power of the Legislature depends on the words and meaning of the Act of the 16th of March, 1798, it is necessary to consider what is the fair construction of that Act, in order to see in what manner the prayer of the memorialists can be accomplished.

“The 10th section of the Act of the 16th of March, 1798, provides

‘that when a good and complete bridge is erected over the said river Schuylkill, at or near the City of Philadelphia, at a place deemed most convenient, as hereinafter mentioned, the property of the said bridge shall be vested in the said President, Directors and Company, and their successors, during and unto the end of twenty-five years, to commence from the time when the bridge is completed.’ Then, after prescribing the rates of toll, which are exceedingly low, and ‘which are so regulated *that no more than three-fourths of the toll demandable in other cases shall be taken for the transportation of the produce of the country, and for those laden with manure half toll—empty carriages of burden to pass for half toll*’—and also prohibiting the erection of the bridge without the consent of the owners of the ground on each side of, and contiguous to the said river, where the said bridge may be erected, the said section proceeds as follows—‘And when the said tolls shall exceed fifteen per cent. net annual profit, the excess shall compose a fund for the redemption of the bridge, so as to render it free, save that there shall always be a small toll or other revenue for keeping it in repair; this excess shall be laid out in bridge stock or productive funds, and the dividends of annual product shall be also added to this fund; and all private donations for freeing the bridge shall be received and invested in like manner; but if by the operation of the fund herein proposed, there shall be a sufficient sum to free the bridge at a period less than the said twenty-five years, then it shall be redeemed and become free on the Stockholders being paid the appraised value thereof, and of the profits for the residue of the said term of twenty-five years, which may then be unexpired;’—‘and if the said fund shall not be adequate to the purpose last mentioned, the Legislature may, after the expiration of the said twenty-five years, declare it a free bridge, (providing at the same time the means of keeping it repair) and the Company shall be obliged to take such sum of money therefor as shall be allowed on a fair appraisement by indifferent persons;’—‘the like appraisement shall take place when the sinking fund is adequate to the redemption of the bridge, and the establishment of a revenue, if a toll be thought not more eligible for keeping the bridge in repair; but if the said bridge shall not be redeemed and paid for as a free bridge, before or at the expiration of the said term of twenty-five years, the said corporation may and shall continue to hold the same on the terms of this Act beyond the said term, and until the same shall be redeemed and paid for in manner herein directed.’

"This section evidently contemplates three distinct periods for freeing this bridge. The first is before the expiration of the twenty-five years, from the completion of the bridge, and depended upon the formation of a fund to be composed of the excess of tolls above fifteen per cent. net annual profits, and of private donations for freeing the bridge. If this fund should be sufficient at a period less than twenty-five years, then it was to become free, on paying the Stockholders the appraised value thereof, and of the profits thereof for the residue of the said term of twenty-five years.

"No one of the events here contemplated has ever taken place, for the net annual profits of tolls have never reached any thing like the fifteen per cent. specified, and no private donations have ever been received for freeing the bridge. Therefore, there never has been such a fund as was contemplated by this part of the tenth section, and the Legislature of 1798, was entirely mistaken as to the rate of profit to be derived from this work.

"The second is at the expiration of the twenty-five years, when the Legislature has the power to declare it a *free bridge*, providing at the same time the means of keeping it in repair, and providing also for the payment of such sum of money as shall be allowed for the said bridge, on a fair appraisement by indifferent persons; that is, by disinterested persons, mutually selected by the parties.

"All these are to be contemporaneous, and the effect produced would be to make the Permanent Bridge at Market street, a '*free bridge*,' on which no toll could be levied, even for the purpose of keeping it in repair, which must be provided for from some other source.

"If, therefore, the Legislature deem it expedient to use this part of the tenth section, they must make it a *free bridge*, that is, one on which *no toll*, however small, can be exacted. They must pay its value, and they must provide a fund, or means for keeping it in repair.

"The third is after the expiration of twenty-five years, when the sinking fund, (that is the fund formed by the excess above fifteen per cent. net annual profit and by private donations,) is adequate to the redemption of the bridge, and the establishment of a revenue, if a toll be not thought more eligible for keeping the bridge in repair.

"Your Committee are therefore of opinion, that the real question submitted to the Legislature, under the provision of the Act of the 16th of March, 1798, is whether the State of Pennsylvania will declare this Bridge a free bridge, at their own expense, providing out of the State Treasury the sum required to pay for its appraised value, and

also such annual sum as may be necessary for keeping it in repair forever."

The Senate Committee of 1837, after quoting the Report of 1834, say :

"Your Committee would also observe that, since the commencement of the session, an Act has been passed, authorizing the Philadelphia, Wilmington, and Baltimore Rail-road Company, to construct a bridge of a permanent character at Gray's Ferry, to take the place of the present floating bridge; thus strengthening the arguments of the Report of 1834, and furnishing the most unequivocal evidence that the present Legislature have no intention to free all or any of these bridges."

The House Committee of 1837, on the same subject, use the following clear and expressive language :

"Now, the twenty-five years mentioned in the Act having expired, and no fund having been created according to its provision, (for the net annual profit has never reached, on an average, *six* per cent. instead of *sixteen*,) and no private donations having been received for freeing the bridge, it is incumbent upon the Legislature, before they can declare it free, to provide the means necessary to redeem it upon a fair valuation, and also the means of keeping it in repair."

If there is to be a free bridge over the Schuylkill, it is clear that it should be the Permanent Bridge at Market street, which is the direct access into the great leading thoroughfare of the City of Philadelphia, and immediately connected with the markets, and the business of this great metropolis. No bridge at any other point could answer the same purpose, or give the same convenience to the citizens at large.

The Directors are still of opinion, that it is better that the bridges across the Schuylkill should be toll bridges—but if the public and the Legislature should wish the Market street bridge to be a free bridge, the Bridge Company are willing, now as they always have been, that it should be made so on fair terms; and they have always thought, and still think, that the proposition of 1836, offered in the House by Mr. Comly, is the best and most equitable mode of effecting this object.

JOHN READ,

*President of S. P. Bridge Company.*

GEORGE RUNDLE,

*Treasurer of S. P. Bridge Company.*

*Philadelphia, Nov. 15, 1838.*



## APPENDIX.

---

LETTER FROM J. BOUVIER, ESQ., PRESIDENT OF THE WEST  
PHILADELPHIA RAIL-ROAD COMPANY.

*To the President, Directors and Company for Erecting a Permanent Bridge over the River Schuylkill, at or near the City of Philadelphia.*

GENTLEMEN:

I have been authorized, as you will perceive, by the enclosed copy of the Resolutions of the Board of Managers of the West Philadelphia Rail-road Company, to ascertain "on what conditions you would be willing to alter your bridge so as to accommodate the rail-road travel and transportation."

Enclosed I also send you a copy of the law, authorizing the Company which I represent, to contract with yours in relation to crossing your bridge with their road. I also have the honour to enclose you a copy of the Public Ledger, of the date of the 28th of February, 1838, which contains a statement of the condition of the West Philadelphia Rail-road.

I would thank you to state to me with as little delay as may suit your convenience, whether you will enter into a contract with the Rail-road Company—

1. To alter your bridge so as to make it of a proper level for the crossing of the said rail-road on the same, with two tracks sufficiently distant from each other to allow cars and other vehicles commonly used on rail-roads to pass each other with ease. The expense of the alteration, except laying the rails, to be borne by you.

2. If you are willing to make such alteration, upon what terms will you permit the said Rail-road Company to use your bridge?

3. If you are unwilling to make the alterations at your own expense, will you permit the said Rail-road Company to make them at theirs?



4. If you permit the said Rail-road Company to make the alterations, upon what terms will you permit the said Rail-road Company to use your bridge?

5. When can you have the work finished, if you do it yourselves? and if you decline to do it, but agree to permit the said Rail-road Company to make the alterations, when will you permit them to commence the work?

I am, with great respect, your's,

[Signed.] J. BOUVIER.

*President of the West Philadelphia Rail-road Company.*

*Philad., April 25, 1838.*

---

COPY OF LETTER TO J. BOUVIER, ESQ.

PERMANENT BRIDGE OFFICE, }  
June 9th, 1838. }

JOHN BOUVIER, ESQ., *President of the West Philadelphia Rail-road Company.*

SIR:

Your letter of the 25th of April, with the accompanying papers, was laid before the Directors of the Bridge Company, and by them fully considered. The inquiries in the letter, looking in a great degree to a re-modelling of the bridge, and possibly to the security and quiet of its passage, for ordinary travel, at once satisfied the Board of Directors, that be their opinion in reference to it what it might, they had not the power to act in an affair of such magnitude, otherwise than under the advice and direction of the Stockholders. They accordingly invited a meeting, by public notice in the newspapers, specifying in the notice, that the call had been made, in consequence of a communication from the Rail-road Company. A meeting was accordingly held at the Office of the Bridge Company, on the 6th instant, at which the Stockholders passed the following Resolutions:

*Resolved*, That the Directors of the Company be authorized to treat and if deemed proper to contract with the West Philadelphia Rail-road Company, in relation to the alteration of the bridge for rail-road travel by the cars of the said Company, upon such terms and conditions, as they may deem reasonable. *Provided*, That no such contract shall be entered into, unless ample and satisfactory security, other than that of their corporate property, shall be given by the

said Rail-road Company for the faithful performance of such contract, and of its various conditions and stipulations.

And be it further Resolved, That in order effectually to secure the said bridge from all risk or danger from fire, no locomotive engine belonging to the said Rail-road Company, shall at any time, or under any circumstances, pass the said bridge, or be brought nearer to the same, in any direction, than a distance equal to that from the intersection of Chestnut and                      streets, in the Borough of West Philadelphia; nor shall any light or fire, be used with the rail-road cars or vehicles, while passing the bridge, or on their approach to or returning from the same.

In order more fully to comprehend the views of the Directors of the Bridge Company, embraced in those Resolutions, the following extract is given from the report made by them to the Stockholders, at their late meeting.

“The Directors received from John Bouvier, Esq., the President of the West Philadelphia Rail-road Company, the accompanying letter, dated the 25th of April, 1838, with a copy of a Resolution, and also of the Public Ledger, referred to in the said letter.

“The propositions contained in this communication, involving matter of deep interest to the Stockholders, the Directors have deemed it their duty to report the whole to them, for their action and instruction.

“On a former occasion and on a like application, the Bridge Company evinced their willingness to accommodate the West Philadelphia Rail-road Company with a passage across their bridge, and still are willing to do so ‘on such terms as are reasonable.’

“It must, however, be understood, that the Rail-road Company must be able and ready to complete their road crossing the Canal on the west side of the Schuylkill, and to continue the same to such point on the western abutment, and at such level, as may be designated by the Bridge Company, and in such way as not to injure the ordinary travel, or encroach upon the real estate of the Company, and that they should secure, not only a proper per centage to be paid annually, on the amount laid out by the Bridge Company in altering the bridge for rail-road purposes, but also such tolls, for burthen and passage cars, as may be reasonable and proper; and in taking the road from the point to be designated by the Bridge Company from the eastern abutment into the city, to do so in such manner as not to injure the

access to the bridge, or the travel upon it, or to use the real estate of the Company. Security of course must be given by the Rail-road Company, for the faithful performance of any contract they may enter into with the Bridge Company, which should be ample and satisfactory, and of course be other than that of their corporate property.

“With these and other provisions, to guard the Bridge Company and the public, the Directors are of opinion, that the Bridge Company may so fitly alter the Bridge as to accommodate the travel and transportation of the Rail-road Company; the whole alteration, however, to be made by the Bridge Company at their own expense, on their own plan, and by their own Engineer, and in compensation therefor, the Rail-road Company, to pay at least ten per cent. annually, on the whole cost of such alterations, and such reasonable tolls as are before mentioned.

“The connexion of the Rail-road with the Bridge, as well on the east, as the west, to be made according to a plan to be furnished by the Engineer of the Bridge Company, in such manner as not to infringe, any of the stipulations above mentioned.”

In addition to these several matters, I am desired by the Board of Directors to inform you, that, as soon as the terms of agreement are settled and adjusted, and the stipulated security furnished, the Bridge Company will forthwith direct their Engineer, to proceed with the work and complete the same as soon as possible, keeping in view, at the same time, the security of the Bridge, and the accommodation of the public during the time the work is going on.

I am, respectfully,

Your obedient servant,

[Signed.]

JOHN READ,

*President of S. P. Bridge Company.*

